

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

**A. C. BROOKS, individually and on
behalf of all others similarly situated,** §

vs. §

5:03CV256

**THE LINCOLN NATIONAL LIFE
INSURANCE COMPANY and
LINCOLN FINANCIAL DISTRIBUTORS,
INC.,** §

MEMORANDUM ORDER

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report and Recommendation of the United States Magistrate Judge Denying Defendants' Amended Motion for Summary Judgment which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. No objections were filed to the Report and Recommendation. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

ORDERED that Defendants' Amended Motion for Summary Judgment (Dkt. No. 137) is **DENIED.**

SIGNED this 5th day of March, 2008.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE